IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WRIT PETITION No.17595 OF 2005

Between:

The Vaddera Co-operative Labour Contract

Society (Regd.No.Z-649), represented by its

President, Mr.Sivarathri Masthan Rao

& Ors. … Petitioners

Versus

Narsaraopeta Municipality,

Represented by its Commissioner,

Narsaraopet, Guntur District. … Respondent

Counsel for the Petitioners: Mr.U.RAM ANJANEYULU

Counsel for the Respondent: Mr.S.Nageswara Reddy

O R D E R :

This writ petition is filed seeking mandamus to declare the action of the respondent in not giving tender schedule to the petitioner-society at free of cost and exemption of EMD in all tenders including works mentioned in tender notice issued by the first respondent in ROC.No.931/2005/E1 dated 05-8-2005 and another tender notice in ROC.No.931/2005/E1, dated 05-8-2005 as illegal, arbitrary and consequently direct the respondent to issue the tender schedule to the petitioners society in respect of all the works including the works mentioned in the tender notice.

The case of the petitioners is that they belongs to SC/ST and Vaddera Community. The petitioners societies are registered in accordance with GO.Ms.No.178 dated 29-

7-1997 and all of them registered as Class-II Contractors with the respondent-municipality. The petitioners-societies are entitled to participate in the tenders upto Rs.30 lakhs.

It is submitted by the petitioners that the respondent had issued a tender notice in ROC.No.931/2005/E1 dated 05-8-2005 and ROC.No.931/2005/E1 dated 05-8-2005 calling for tenders in order to lay CC roads in different localities of the respondent-municipality. The last date for filing of tender is 17-8-2005. It is submitted that the respondent mentioned that those who intended to participate in the tenders have to pay cost of the tender schedule and EMD. When the petitioners approached the respondent seeking issue of tender schedule on free of cost and without insisting payment of EMD for the works as per the Government order. But the respondent refused to accede the request of the petitioners. Therefore, they filed the present writ petition seeking direction to the respondent to issue tender schedule to the petitioner society at free of cost and without insisting EMD in respect of all the tenders including the works mentioned in the tender notice in ROC.Nos. 931/2005/E1 and 931/2005/E1 dated 05-8-2005 respectively.

When the matter came up for admission, Mr.U.Ramanjaneyulu, the learned counsel for the petitioners submitted that as per GO.Ms.No.52 Transport, Roads & Buildings (B.I-1) Department, dated 18-3-2000, the Government issued the said GO granting concessions to SC/ST and Waddera Labour Contract Co-operative Societies and individuals. Further the Memorandum No.2054/J1/83-2A, Housing Municipal Administration and Urban Development Dapartment, dated 07-10-1983 contemplates that the Government after consideration, have decided to agree with

the request of the society for supplying of tender documents free of cost to the Banjara Tribal Co-operative Labour Contract Society Limited, Hyderabad, and also the Scheduled Caste and Scheduled Tribes and Labour Contract Societies as the cost involved is negligible and therefore the said memorandum issued by the Government enunciates that supply of tender documents to the Co-operative Society Limited on free of cost.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner-society, as the last date for filing of tender is 17-8-2005, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondent to consider the case of the petitioner-society in pursuance of G.O.Ms.No.52, Transport, Roads & Buildings (B.I-1) Department, dated 18-3-2000 and Memorandum No.2054/J1/83-2A, Housing Municipal Administration and Urban Development Department, dated 07-10-1983 forthwith.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.